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Subject: Fwd: Global Settlement Fund (GSF) - Privileged & Confidential

From: John Kaiser [REDACTED]
Date: Mon, Jan 30, 2012 9:40 am
To: Tom <tharvey@harveyandhackett.com>

Kaiser working with **Harvey**, Jowdy and FBI

Sent from my iPhone

Begin forwarded message:

From: Kristin Kristin [REDACTED]
Date: January 30, 2012 11:36:50 AM EST
To: johnrkaiser@gmail.com, [REDACTED]
Subject: Fwd: Global Settlement Fund (GSF) - Privileged & Confidential

Here are some emails pertaining to Euphora. We'll be sending more.

Thanks,
Kristin

Kristen and Michael Peca recordings take place 5 months (allegedly on their own) after Kaiser begins working with FBI and Harvey to protect Jowdy.

-----Original Message-----

From: kmpgp [REDACTED]
To: kenner33 <kenner33@gmail.com>
Sent: Wed, Mar 16, 2011 8:52 am
Subject: Re: Global Settlement Fund (GSF) - Privileged & Confidential

Hi Phil,

2 years after GSF meeting -- Peca has not been a Kenner client for 18 months

Ok, it took awhile but we able to come across 2 documents referring to the global settlement. One is an outline of what our \$250,000 was to be used for, and the other is a "chart" (so to speak) of the Euphora %s we were supposed to acquire from Moreau, Juneau and Nolan as part of the settlement (this was sent by Tommy). We have them in hard copy form and can fax them to you, as well as Stolper. Also, the following is a summary of what we were told in reference to the global settlement:

In the spring of 2009, you (Phil) and Tommy Constantine (who we were meeting for the 1st time) came to visit us in Ohio, where Michael was playing for the BlueJackets. We had an informal meeting in our living room, and you both told us about your new plan, called the Global Settlement Fund (in which each Jowdy lawsuit participant had to give an additional \$250,000 in exchange for additional ownership % in Euphora, legal fees, and other misc.items).

Tommy did most of the talking, and explained that this was necessary in order for the lawsuit against Jowdy to go forward, and so we could re-coup our \$\$\$ from the Mexico investments. Tommy further said that we'd end up getting control of the Cabo land, sell it to his buyer (who he got on the phone to show us he was real (but we never spoke to this buyer), and was going to buy the land for a substantial amount of \$\$, and then include a cash portion of the sale to make all of us investors 'whole' (give us all our \$\$ back for every investment we've made through Phil, including Hawaii, all Mexico investments, Impact, TeK Connect, Teknik, and ofcourse return our global settlement \$\$). He said if we didn't give to the Global Settlement Fund, that this would not happen.

He further said how Phil was tight on \$\$, and rather than asking all investors to help him with legal fees, this Global Settlement fund would not only help with legal fees, but would give us additional

Kristen does NOT say it was because Kenner was "sick" or they were "mad at him"

Kristen does not claim -- THEY WERE DONE WITH INVESTMENTS

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Kristen NEVER claims they were MAD AT KENNER about the alleged SHOCK 1 month earlier

7-JFB-AYS Document 719-10 Filed 18978

Knowledge that GSF funds were used to buy out other "bad apple" investors...

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% of Euphora ownership (as some of the settlement was to buy out Nolan, Juneau and Moreau of their Euphora %). He kept emphasizing that Euphora was about to explode, and by gaining these extra %ages, that we'd make tons of money.

He said the global settlement would not work unless ALL involved in the suit did it (by contributing \$250,000). We later found out (after contributing our portion), that that was not true, and every person involved in the Jowdy lawsuit wasn't actually a contributor. After he repeated this same scenario in a few different ways, it seemed as though we had no choice if we wanted to get our money back from the lawsuit/Jowdy. It was presented as a situation where we'd lose the Jowdy suit if we didn't contribute.

While this was the 1st time we were meeting Tommy, he did come across as a smart, nice and charismatic guy who generally cared about all involved in the suit—and had his own personal interests invested in this suit as well, since his name was being smeared by Jowdy. Having said that, we have put our trust in Phil since day one as our financial advisor, and since we were still paying him to be our advisor, we had no reason to not trust him with this proposal. (We wanted this lawsuit done as badly as everyone else involved) We were under the assumption that you/Phil would be in charge of the settlement fund (as he handled all of our other \$\$), and that Tommy came along to the meeting to help explain what the Global Settlement Fund would be for, and was just an interested participant whose wanted to help get this lawsuit over with, so he could clear his name.

We have since found out that Tommy somehow was in charge of dispersing funds from the Global Settlement fund which we contributed (\$250,000) to. That is upsetting to us, as we barely knew the guy (only met him once), and would never trust a stranger with a quarter million dollars, let alone \$10 dollars. Our trust was solely in Phil, not Tommy, in regards to this fund. We understand that Tommy has used the funds for other means than we were told our \$\$\$ was to be used for, and are obviously extremely upset and want all of it, plus interest back. Tommy should have never had control of our \$\$ in the first place. He is NOT a licensed advisor that we hired. Phil had the money wired from our account on May 8th, 2009.

All in all, Tommy has clearly used the money for things we did not agree to (we have yet to get additional shares in Euphora, and found out Ron Richards (the atty who the \$\$ was supposed to partially go to (who represented us in the Jowdy case)—barely got any of that). And, clearly the Mexico land did not get sold, and we have not been paid a dime in relation to any of the investments we were told we'd be getting our \$\$ back from. It certainly seems like some sort of sham to us, and we are quite upset over it.

Hopefully this info. helps move the process along in getting our Global Settlement Fund \$\$ back. At what stage are you with this process Phil? Are you collecting all this data for Stolper? Is it going to court soon? Please update.

Again -- Kristen does NOT make any negative claims about Kenner, the NT LOC, etc

On another note, Phil, we obviously still haven't heard from you, and Michael tells me he's left several texts/messages with you. There are so many open issues that need updating and attending to—also, we really need info. on Impact ASAP. We need a final 1099 from them, and the phone number we have is no longer in use. Brian Berg says we need it for our taxes, and we do not want to file for an extension for a 4th year in a row because of Impact. We are sick of the extra headaches and costs that have come with that investment. Also, Michael tells me you told him you think we can still get our money back from that even though their landlord "shut the doors on them for not paying rent." I'd like to know what your plan is, and how this is possible. I understand you have a lot on your table as well. But, please keep in mind, that you have us involved with several investments (most of which are in some sort of turmoil), and you do have an obligation to stay in regular contact and update us on their progress. And, ofcourse there is the Vegas Penthouse which you have dumped on us to carry alone (despite our original deal of us not having to pay anything beyond our deposit). We are trying to be as understanding as possible with that Phil, but if you put yourselves in our shoes, I'm sure you wouldn't be very happy having to pay thousands of dollars every month, when you're not supposed to (for over 2 years, none the less!)

Michael Peca was represented by independent counsel in every "deal" he was in. Kenner was not the manager of any of them...thus Kenner had no specific information that Peca could not get directly from the company or his attorneys...

Only the Mexico criminal suit was OPEN versus Jowdy at the time...

This contradicts her own husband's knowledge from the GSF meeting @ Tr. 539:25 to 540:4 (confirming Constantine control)...

Kristen NEVER met any other Private Equity company before her husband invested MILLIONS of his money...

The world markets were in the middle of a recession -- but Kristen Peca thinks her private deals that her husband invested in are immune??

Michael NEVER shared the Palms deal email with his wife about the revenue checks she refused to forward to Kenner...Bates stamp: PK SEC 005398